

United States District Court
For the Northern District of California

1
2
3 *E-FILED: 8.8.2007*
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

PIOTR J. GARDIAS,

No. C04-04086 HRL

Plaintiff,

Consolidated With: C04-04768 HRL
C05-01242 HRL
C05-01833 HRL
C06-04695 HRL

v.
SAN JOSE STATE UNIVERSITY,

**ORDER GRANTING DEFENDANT'S
MOTION FOR ORDER EXTENDING
LENGTH OF DEPOSITION**

Defendant.

/ [Re: Docket No. 216]

On August 7, 2007, this court heard defendant's "Motion for Order Extending Length of Deposition." Plaintiff opposed the motion. Having considered the moving and responding papers, as well as the arguments presented at the motion hearing, this court GRANTS the motion.

Defendant deposed plaintiff for a full day on May 16, 2007. It now requests an additional two days (i.e., fourteen hours) to depose him. Pursuant to Fed. R. Civ. P. 30(d)(2), a deposition normally is limited to one day of seven hours. However, "[t]he court must allow additional time consistent with Rule 26(b)(2) if needed for a fair examination of the deponent or if the deponent or another person, or other circumstance, impedes or delays the

United States District Court

For the Northern District of California

1 examination.” FED.R.CIV.P. 30(d)(2).

2 Here, plaintiff has filed several lawsuits involving a number of claims of discrimination
3 and retaliation. Defendant says that it needs to examine him about a number of topics,
4 including his background, education, work experience, claimed damages, and other issues
5 raised in his several complaints. Further, it asserts that additional time is needed because of
6 communication difficulties experienced during the May 16 examination. Plaintiff complains
7 that defense counsel spent time questioning him about information which, he says, is already
8 contained in documents. However, defendant is entitled to ask questions about documents and
9 the information contained in them. It is also allowed to examine plaintiff about his memory and
10 recollection of events and documents (albeit here, defendant has agreed, as a courtesy, to
11 provide plaintiff with advance copies of documents about which it will ask).

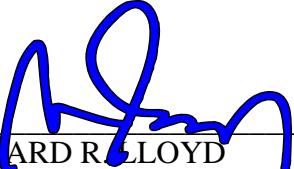
12 Based on the record presented, this court agrees that more time is warranted for a fair
13 examination of plaintiff. Accordingly, IT IS ORDERED THAT:

14 1. Defendant’s motion is GRANTED. Defendant shall have an additional fourteen
15 hours to depose plaintiff. The deposition shall take place in San Jose.

16 2. Defendant shall send plaintiff advance copies of documents which are
17 anticipated to be the subject of examination. The documents shall be delivered to plaintiff at
18 least three days prior to his deposition.

19 3. Plaintiff is advised that he is entitled to take breaks during the deposition, should
20 he feel it is necessary. However, breaks taken during the deposition shall not count against the
21 time limit for the examination. Further, no breaks shall be taken while a question is pending.

22
23 Dated: August 8, 2007



24
25
26
27
28
HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

1 **5:04-cv-4086 A copy of this document will be mailed to:**

2 Piotr J. Gardias
3 72 Floyd Street
3 San Jose, CA 95110

4 Plaintiff (Pro Se)

5

6 **Notice will be electronically mailed to:**

7 Mary Susan Cain-Simon Mary.CainSimon@doj.ca.gov, David.Moss@doj.ca.gov

8 Fiel D. Tigno fiel.tigno@doj.ca.gov

9 Counsel for Defendant

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28